

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

MARTREO K. JONES AND )  
SELENA M. JONES, )  
 )  
Plaintiffs, )  
 )  
v. ) Case No. CIV-20-00684-JD  
 )  
STATE FARM FIRE AND )  
CASUALTY COMPANY, )  
 )  
Defendant. )

## ORDER

Before the Court is Plaintiffs' Motion for Leave to File Under Seal an Exhibit to Plaintiffs' Response to Defendant State Farm Fire and Casualty's Motion for Summary Judgment ("Motion"). [Doc. No. 48]. The Motion states that Plaintiffs wish to file under seal an exhibit that contains certain documents Defendant has produced in this litigation and designated as confidential under the Court's Protective Order [Doc. No. 17].

“Courts have long recognized a common-law right of access to judicial records.” *Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2007). Parties may not unilaterally restrict public access to documents filed in the courts by deeming an agreement “confidential” or marking a document “confidential” and therefore subject to a protective order. *See Colony Ins. Co. v. Burke*, 698 F.3d 1222, 1241–42 (10th Cir. 2012) (citing *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 121 (2d Cir. 2006)). However, “the presumption of access can be rebutted if countervailing interests heavily outweigh the public interests in access.” *Mann*, 477 F.3d at 1149 (citations omitted). A movant must

establish that the interest in restricting the public's access to specific information in their case "outweighs the public interest in access, particularly . . . [where] the parties themselves placed these [documents] at the center of th[e] controversy. . . ." *Colony*, 698 F.3d at 1241 (denying motions to file parts of briefs and appendices under seal where basis of motions was confidentiality provisions in settlement agreement).

Based on the showing in the Motion, the Court PROVISIONALLY GRANTS the Motion. Plaintiffs may file the exhibit under seal. Plaintiffs shall also publicly file a narrowly redacted version of the exhibit, consistent with the Western District of Oklahoma's ECF Policies and Procedures Manual and this *Court's Guidelines for Protective Orders on Confidentiality, Sealing Documents, and Redactions in Civil Cases*.

IT IS SO ORDERED this 30th day of July 2021.



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JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE